

**APPROVED 7-11-11**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, June 6, 2011 at the North Haven Memorial Library, 17 Elm Street, in the Community Room at 7:00 PM.

**MEMBERS PRESENT:**

James J. Giulietti, Chairman  
Theresa Ranciato-Viele, Vice Chairman  
Brian R. Cummings, Secretary  
Douglas E. Roberts  
Vern E. Carlson  
Curtis Andrews, Sr., Alternate  
Richard E. Wilson, Alternate  
Edward M. Homa, Alternate

**MEMBERS ABSENT:** None

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Jennifer Coppola, Town Attorney  
Sotonye Otunba-Payne, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Chairman, opened the meeting at 7:15 p.m. and introduced the Commissioners, alternates, town staff and the clerk. Then he explained the procedure for the Public Hearings and asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there were none.

**PUBLIC HEARINGS:**

Mr. Cummings read the call for the first Public Hearing.

1. #P11-15 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Sections 5.1.3.16 and 5.2.1.63, to permit crematories in IL and IG Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

Attorney Bernard Pellegrino, Jr. presented the amendment application to permit crematories in IL and IG Districts. Mr. Peter Scott, Vice President of Charter Crematory, discussed concerns with crematory emissions. The Commission asked questions and Mr. Scott and Attorney Pellegrino responded. Mr. Ray Popsie, Operations Manager, spoke regarding standards for crematoriums.

Mr. Giulietti asked for public comment.

Public comment:

1. Mr. Joseph DiMartino, 10 Papa Lane, has environmental concerns and asked where the crematorium would be located. He then submitted some information on crematoriums, Exhibit 1.

Attorney Pellegrino asked to keep this Public Hearing open until next month to obtain additional information.

Mr. Cummings read the call for the second Public Hearing.

The Commission elected to hear applications #P11-19S, #P11-19 and P11-19A together.

3. #P11-19S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Map of Property, Prepared For Metal Management Connecticut, Inc., #234 (A.K.A. #250) Universal Drive South, North Haven, Connecticut. Prepared by Hammons LLC, Dated May 9, 2011. Scale 1" = 60'. IG-80 Zoning District.
7. #P11-19 Site Plan Application of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Map of Property, Prepared For Metal Management Connecticut, Inc., #234 (A.K.A. #250) Universal Drive South, North Haven, Connecticut. Prepared by Hammons LLC, Dated May 9, 2011. Scale 1" = 60'. IG-80 Zoning District.
8. #P11-19A CAM Application of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Map of Property, Prepared For Metal Management Connecticut, Inc., #234 (A.K.A. #250) Universal Drive South, North Haven, Connecticut. Prepared by Hammons LLC, Dated May 9, 2011. Scale 1" = 60'. IG-80 Zoning District.

Attorney Marjorie Shansky presented the applications to permit the relocation of the wet car building previously approved by the Commission in October 2009 from the center of the property to the northwest corner of the property, about 300' from the original site. The Commission asked questions and Attorney Shansky and Mr. Joseph Caruso responded.

Mr. Giulietti asked for public comment. There being none, the Public Hearing was closed.

## **SITE PLANS:**

4. #P11-14 Site Plan Application of Carmine Perri - Bishop, Jackson & Kelly, Applicant, Yale New Haven Hospital, Owner, relative to 6 Devine Street, (Map 51, Lot 11). Plan Entitled: Yale New Haven Hospital, North Haven Ambulatory Center, 6 Devine Street, North Haven, CT. Prepared by Redniss & Mead, Inc. Dated 2/24/11, rev. 4/26/11. Scale 1" = 40'. 0-12 Zoning District.

Attorney Carmine Perri of Bishop, Jackson & Kelly presented the application to permit relatively minor site modifications to the Site Plan approved by the Commission on April 4, 2011. Modifications include; removing 16 parking spaces in the northeast corner of the site, providing additional landscaping and relocating the proposed emergency generator. The Inland Wetlands Commission sent a positive referral to the Planning & Zoning Commission on May 25, 2011. Attorney Perri then distributed the Presentation Summary to the Commission, Exhibit, A. The Commission asked questions and Attorney Perri and Mr. Joseph Balskus, Traffic Engineer, from Tighe & Bond, responded.

5. #P11-17 Site Plan Application of Mike's Delivery and Moving Service, LLC, Applicant, Michael Zulawski, Owner, relative to 101 Powdered Metals Road, (Map 37, Lot 124). Plan Entitled: Site Plan Showing Proposed Additions for Mike's Delivery and Moving Service, LLC, 101 Powdered Metals Drive, North Haven, Connecticut. Prepared by Brown & Associates Surveying Services, LLC. Dated 12/19/10. Scale 1" = 40'.

Mr. Bob Brown of Brown & Associates Engineering presented the application to permit the construction of a partially completed loading dock on the front of this existing building, a front entrance canopy and some modest site improvements. Outdoor storage has been requested for truck parking on the east side of the building. Mr. Giulietti asked to limit the parking of trucks to seven. Mr. Brown asked to eliminate an island and to waive required sidewalks and irrigation system. The Commission asked questions and Mr. Brown responded.

6. #P11-18 Application of Barry I. Steinberg, P.E., Applicant, B.C.M.F. Realty Two, Owner, relative to 52-58 Washington Avenue, (Map 67, Lot 39). Plan Entitled: Addition to Medical Offices II, 52 Washington Avenue, North Haven, Connecticut, Prepared by Steinberg Associates, Dated 5/3/11, rev. 5/20/11. Scale 1" = 20'. CB-20/R-20 Zoning Districts.

Mr. Barry Steinberg, P.E., presented the application to permit an approximately 40' x 60' addition to the rear of this existing medical office building. The existing rear entry canopy and vestibule are intended to be removed. Mr. Giulietti asked about additional parking and if St. Barnabas Church would allow them to use their property for additional parking. He also asked about previous trees that were never planted. The Commission asked questions and Mr. Steinberg and Dr. Karas responded.

**BREAK:** 8:46 – 8:53 PM

**PUBLIC HEARING:**

Mr. Cummings read the call for the third Public Hearing:

2. #P11-16 Zone Change Application of North Haven Auto Sales & Service, Inc., and of Barbara Marcati, Owners and Applicants, relative to 2 Maple Avenue (Map 60, Lot 195) and 10 Maple Avenue (Map 60, Lot 193). Plan Entitled: Maple on the Green, Proposed CN-20 Zoning District. Dated May 7, 2011. R-20 Zoning District.

Mr. Lance Soderland of 10 Maple Avenue presented the application to change the zone of these two properties from R-20 to a CN-20 Zoning District. Currently, 2 Maple Avenue is used for residential purposes and 10 Maple Avenue is a used car dealer and automotive repair business. He then submitted a petition, Exhibit A, Field Cards of area gas stations, Exhibit, B and photograph of 10 Maple Avenue, Exhibit C.

Ms. B.J. Morgan and Michelle Leona of 2 Maple Avenue, submitted a map of the Green, Exhibit C. Mr. Giuliatti has concerns with additional traffic on Shawmut Avenue. Ms. Morgan stated the driveway located on Shawmut Avenue would be removed and a new one proposed on Maple Avenue, if this application is approved. The Commission asked further questions and Ms. Morgan, Ms. Leone, and Mr. Soderland responded.

Mr. Giuliatti asked for public comment:

Public comment:

1. Shari O'Mara, 2 Maple Avenue, spoke in favor of the application. She stated that the zone change will contribute to tax revenue and will enhance the community.
2. Vincent Santamauro, 1599 Hartford Turnpike, spoke in favor of having a convenience store.
3. John O'Mara, 60 Shawmut Avenue, doesn't think that this zone change would increase traffic.
4. Florence Sinow, 18 Maple Avenue, spoke in favor of having a convenience store.
5. Jared O'Mara, 15 Woodside Drive, spoke in favor of the zone change. He stated that this zone change would increase tax revenue and is in favor of a convenience store.
6. Janet O'Mara, 60 Shawmut Avenue, spoke in favor of the zone change.
7. Susan Iverson, 1 Old Tavern Road, asked if special zoning could be created for this historic area to avoid future commercial development.
8. John Reilly, 19 Shawmut Avenue, has traffic concerns.

9. Steve Nugent, North Haven Historical Society, feels the parcel surrounding the green should not be changed. He has concerns as to what could be development on this site under a commercial zone. He also has concerns with a driveway located on Shawmut Avenue.
10. John Lambert, 25 Trumbull Place, stated that he lives across the street from the site and that his property would be impacted by this change. He also stated that this site was never a convenience store and that a garage and sales of gas are not allowed in a CN-20 zone because this would be a non-conforming use. He also asked that the Zoning Enforcement Officer investigate the junk cars that are located in the trolley right-of-way. He suggested that 10 Maple Avenue be used as a residential zone and asked that this application be denied because he feels a zone change is not necessary for this area. Then he submitted two petitions, an article, three maps of the area and a photograph of 10 Maple Avenue from the 1940's.
11. Donald Beckwith, 24 Maple Avenue, has traffic concerns and spoke in opposition to this application.
12. Pam Parella, 25 Trumbull Place, does not want to see a commercial expansion in this area. She stated that there are already six restaurants and heavy traffic in this area, therefore, she is opposed to this zone change.
13. Patricia Buonpane, 22 Valley Brook Lane, she asked to retain the character of this section of town and is concerned with what type of commercial business could be proposed for this site.
14. Julia Pohoda, 27 Sackett Point Road, feels this application is still considered "spot zoning".
15. Richard Ardolino, 31 Shawmut Avenue, is not in favor of commercial development around the green and has concerns with future development. He submitted a petition to the Commission.
16. Diane Asmus, 19 Trumbull Place, would like the area around the green kept Residential. She also has traffic concerns.
17. Mary Sicignano, 103 Shawmut Drive, has traffic concerns.
18. Ann Clark, 27 Bowling Green Drive, spoke in opposition to the application. She has concerns with future uses.

Mr. Soderland, Ms. Leona and Ms. Morgan responded to the public comment.

There being no further public comment. The Public Hearing was closed.

#### **DELIBERATION SESSION:**

Mr. Roberts moved to go into deliberations; Mrs. Ranciato-Viele seconded the motion. All were in favor.

## **PUBLIC HEARINGS:**

1. #P11-15 Application of Bernard Pellegrino, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Sections 5.1.3.16 and 5.2.1.63, to permit crematories in IL and IG Zoning Districts.

Mr. Carlson moved to continue the Public Hearing; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The applicant was approved with conditions.

2. #P11-16 Zone Change Application of North Haven Auto Sales & Service, Inc., and of Barbara Marcati, Owners and Applicants, relative to 2 Maple Avenue (Map 60, Lot 195) and 10 Maple Avenue (Map 60, Lot 193). Plan Entitled: Maple on the Green, Proposed CN-20 Zoning District.

Mrs. Ranciato-Viele moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – nay Ranciato-Viele – nay Cummings – nay Roberts – nay Carlson – nay

The Commission gave the following reasons for the denial:

1. The Commission sees no reason to change the zone of these properties at this time.
2. Changing the Zoning District of these two properties would be considered “spot zoning”.
3. P11-19S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive.

Mr. Roberts moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – nay Carlson – aye

The application was approved with conditions.

**SITE PLANS:**

4. #P11-14 Site Plan Application of Carmine Perri - Bishop, Jackson & Kelly, Applicant, Yale New Haven Hospital, Owner, relative to 6 Devine Street, (Map 51, Lot 11). Plan Entitled: Yale New Haven Hospital, North Haven Ambulatory Center, 6 Devine Street, North Haven.

Mr. Cummings moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with conditions.

5. #P11-17 Site Plan Application of Mike's Delivery and Moving Service, LLC, Applicant, Michael Zulawski, Owner, relative to 101 Powdered Metals Road, (Map 37, Lot 124). Plan Entitled: Site Plan Showing Proposed Additions for Mike's Delivery and Moving Service, LLC.

Mr. Carlson moved to approve the application with a waiver of required sidewalks and irrigation system and with outdoor storage of up to ten trucks; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with conditions.

6. #P11-18 Application of Barry I. Steinberg, P.E., Applicant, B.C.M.F. Realty Two, Owner, relative to 52-58 Washington Avenue, (Map 67, Lot 39). Plan Entitled: Addition to Medical Offices II, 52 Washington Avenue.

Mrs. Ranciato-Viele moved to approve the application; Mr. Carlson seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with conditions.

7. #P11-19 Site Plan Application of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Map of Property, Prepared For Metal Management Connecticut, Inc.

Mr. Cummings moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with conditions.

8. #P11-19A CAM Application of Ms. Marjorie F. Shansky, Esq., Applicant, Metal Management Connecticut, Inc., Owner, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Map of Property, Prepared For Metal Management Connecticut, Inc.

Mr. Roberts moved to approve the application; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

The application was approved with conditions.

**OTHER:**

Mr. Cummings read the call for the following items:

1. Discuss, draft, and vote to distribute draft of an affordable housing amendment to the North Haven Zoning Regulations.
2. Discuss the status of the pending litigation and proposed Motion to Approve Settlement in CMB Capital Appreciation LLC v. Town of North Haven Planning and Zoning Commission, and possible action relating to same.
3. Consider whether to convene in executive session to discuss the status of pending litigation and proposed Motion to Approve Settlement in CMB Capital Appreciation LLC v. Town of North Haven Planning and Zoning Commission.

Attorney Jennifer Coppola of Ciulla & Donofrio and representing the Town of North Haven, presented the status of the above litigation. She suggested that the Commission enter into Executive Session to further discuss this matter.

Mr. Carlson moved to go into Executive Session at 11:04 PM; Mrs. Ranciato-Viele seconded the motion. The Commission invited Mrs. Jennifer Coppola, Town Attorney, Mr. Jonathan Bodwell, Town Engineer, and Mr. Alan Fredricksen, Land Use Administrator, into Executive Session. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

Mr. Roberts moved to go out of Executive Session at 11:51 PM; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

**INFORMAL PRESENTATION:** None

**CHANGE OF USE:**

79 Washington Avenue – Remax Real Estate

Ms. Fiona Petrie Beecy presented the Change of Use for a Remax Real Estate within Stop & Shop.

Mr. Carlson moved to approve the Change of Use from retail to office; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

102 Universal Drive

Mr. Bert Daily of Hair Cattery presented the Change of Use application. The hours of operation are; Monday through Friday, 9:00 a.m. - 9:00 p.m., Saturday, 9:00 a.m. – 7:00 p.m. and Sunday 10:00 a.m. – 6:00 p.m. Mr. David Spector, representing National Realty, also addressed the Commission.

Mr. Carlson moved to approve the Change of Use from retail to service; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

310 Washington Avenue

Mrs. Joyce-Lyn Alteri, applicant, presented the Change of Use application.

Mrs. Ranciato-Viele moved to approve the Change of Use from a financial institution to a hair salon; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

350 Washington Avenue

Mr. Jim Williams of Property Management Service for the Commons Plaza, presented the Change of Use application.

Mr. Cummings moved to approve the Change of Use from retail to a restaurant; Mr. Giulietti seconded the motion. The Commission vote as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

## **EXTENSIONS:**

#P09-39, 585 Washington Avenue

Mr. Carlson moved to approve a second six (6) month extension for application P09-39, 585 Washington Avenue; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

#P11-01, 3600 Ridge Road

Mr. Carlson moved to approve a ninety (90) day extension for application P09-39, 3600 Ridge Road; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

## **BOND RELEASES & REDUCTIONS:**

#B83-3, 410 Sackett Point Road, Pharmacia & Upjohn

Mr. Cummings moved to release the bond for application #B83-3, 410 Sackett Point Road in the amount of \$175,000.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson - aye

#P91-40, 410 Sackett Point Road, Pharmacia & Upjohn

Mr. Cummings moved to release the bond for application #P91-40, 410 Sackett Point Road in the amount of \$2,500.00; Mrs. Ranciato-Viele seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson - aye

#P09-09, 70 Old Broadway West

Mr. Carlson moved to release the bond for application #P09-09, 70 Old Broadway West in the amount of \$22,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson - aye

#P03-68 & #P04-61, 49 & 79 Washington Avenue

Mr. Roberts moved to release the bond for application #P03-68 & #P04-61, 49 & 79 Washington Avenue in the amount of \$50,000.00; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson – aye

**CORRESPONDENCE:** None

**MINUTES:**

April 28, 2011

Mr. Roberts moved to approve the minutes of the April 28, 2011 meeting;  
Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson –aye

May 2, 2011

Mr. Roberts moved to approve the minutes of the May 2, 2011 meeting;  
Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Ranciato-Viele – aye Cummings – aye Roberts – aye Carlson –aye

Mrs. Ranciato-Viele asked Mr. Fredricksen, Land Use Administrator, for an update regarding permits for Antionio's Restaurant.

**ADJOURN:**

There being no further business, Mr. Carlson moved to adjourn; Mr. Roberts seconded the motion. The meeting was adjourned at 11:54 PM.